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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/883,302

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Jeffrey A. Bedell

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EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,302

Applicant(s)

BEDELL ET AL.

Examiner

Sam Rimell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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Preliminary Note: This office action includes new grounds of rejection under 35 USC 101, not necessitated by amendment. Accordingly, this action is made non-final.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-24 are rejected under 35 U.S.C. 101 because the claimed invention is non-statutory.

(All references to “*State “Street”*” refer to *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 1374, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998)

Claims 10, 14, 16: Claims 10, 14 and 16 set forth a computer implemented method of generating query language statements. The last line of the claim indicates that the statements may be run to return the desired result set. Since these claims do not positively require the result set to be produced, the claims may not produce a tangible result, as required in *State Street*. Accordingly, the claims are non-statutory.

Claims 11-13, 15 and 18-19: Depend on claim 10.

Claim 17: Depends on claim 16.

Claims 20, 23 and 24: Each of these claims are addressed to a tangible medium having a processor readable program embodied thereon. Since the claims do not define the tangible medium as computer readable, the program cannot actually be read or executed by a computer, thus failing to produce a useful result as required in *State Street*. Additionally, the claims do not define the production of a result set, so the claims also fail to define the tangible result required by *State Street*. For these two reasons, the claims are non-statutory.

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Claim 21: Claim 21 is addressed to a method of generating a query language statement which is neither defined as being a program encoded on computer readable media or defining the production of a result set. Accordingly, the claims do not define a tangible result as required in *State Street*.

Claim 22: Depends on claim 21.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Buteau (U.S. Patent 6,442,557).

The reasons for this rejection were set forth in the office action of March 10, 2006 and are hereby incorporated by reference.

Remarks

Applicant's arguments have been considered.

Applicant's remarks are primarily directed to the first and second paragraphs of claim 1, and applicant generally argues that Buteau does not teach the features set forth in these first and second paragraphs.

Examiner maintains that Buteau teaches all the recited features of claim 1, as well as the remaining claims of record.

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With respect to claim 1 in particular, the syntax pattern selector is readable on the query itself, shown in FIG. 9. A query functions to retrieve results, the results being the selected syntax pattern. The desired functions are simply the commands set forth in the query, such as SELECT, FROM and WHERE. The syntax standard is the language in which the query is written, namely SQL (col. 22, lines 35-36). The syntax standard serves as the basis for query statements.

The statement assembly module is the graphical user interface of FIG. 9. The graphical interface is used to create and fill (i.e. populate) the various portions of the query. The argument data set are the various requested attributes in the query, such as "Type_1.TypeName", "InfoType.TypeName", etc. The desired data set can be other attributes in the query, such as those defined in the ORDER BY command line, but the phrase "desired data set" is so broad it could refer to any command in the query, any predicate in the query, or even the search result.

The query language statement illustrated in Fig. 9 is run against relational data to return query results.

This action is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
Art Unit 2164